IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15519 of 2004

Between:

V.Santosh Kumar, s/o V.Madhu Sagar,
r/o 9-20, Panduranga Nagar, Near Erragadda,

Hyderabad.

..... PETITIONER

AND

1 Govt. of A.P., rep., by its Principal Secretary,
Higher Education Department, Secretariat, Hyderabad.
2 Govt. of A.P., rep., by its Commissioner, Higher

Education, Hyderabad.
3 Convener, EAMCET-2004, Jawaharlal Nehru

Technological University, Hyderabad.
4 Registrar, N.T.R. University of Health Sciences,

Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction, preferably a writ in the nature of writ of mandamus, declaring the action of the respondents in not considering the petitioner in priority No.24 of Appendix III of Schedule and Regulations for admission to MBBS and BDS Courses for the Academic year 2004-2005 issued by the 4th respondent, on the basis of EAMCET rank obtained by the petitioner, while making admissions to MBBS in the on-going counselling as being illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the 4th respondent to forthwith consider the case of the petitioner under priority No.24 of Appendix III of Schedule and Regulations for admission to MBBS and BDS Courses for the Academic year 2004-2005 in the counselling and allot a seat to the petitioner on the said basis or in the alternative direct the respondents to reserve a seat in MBBS in the priority No.24 in respect of Osmania University

Counsel for the Petitioner: MR.P.VENUGOPAL

Counsel for Respondents 1 & 2: GP FOR HIGHER EDUCATION

Counsel for Respondent No3: Mr. S.S. Prasad, S.C. for JNTU

Counsel for Respondent No.4: Mrs.Y.Padmavathi, S.C. for NTRU

The Court made the following :

ORDER:

The petitioner admittedly appeared for the inter varsity cricket tournament during the academic year 2003 while prosecuting studies in his BDS course. He has passed EAMCET-2004 examination and applied for MBBS course under the reservation category for sportsmen in view of G.O.Ms.No.254 dated 28-4-1993. He claims that his candidature should be considered under the sports quota for admission into MBBS course for the academic year 2004-2005. On the day when the petitioner attended the counseling along with his father, his case was not considered stating that he has not represented Inter Varsity Competition to get a seat under sports quota. In view of the same, the petitioner filed the present writ petition contending that the candidates, who have got lesser rank were being considered in the sports quota but, though the petitioner was under priority 24 of the admission rules issued for allotment of seats in Appendix-3, filed along with the present writ petition, his case was not considered.

Heard learned counsel for the petitioner, learned Government Pleader for Higher Education, Sri S.S. Prasad, learned counsel for third respondent and Smt. Y. Padmavathi, learned counsel for fourth respondent.

Guideline No.2 deals with allotment of seats under the category of Sports and games. Guideline No. 2(a) stipulates that representation in the approved games and sports after passing the qualifying examination shall not be considered.

Admittedly, the qualification prescribed for seeking admission into MBBS course is Intermediate and the petitioner has not participated in Inter Varsity Competition to claim a seat under sports quota. Since the participation, if any, after qualifying exam cannot be considered for allotment of a seat in MBBS or BDS Courses, the petitioner cannot be given any relief in this writ petition.

The Writ Petition fails and the same is accordingly dismissed at the admission stage.

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A. Gopal Reddy, J.

30th August, 2004.

Js.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Principal Secretary, Govt. of A.P., Higher Education

Department, Secretariat, Hyderabad.
2 The Commissioner, Govt. of A.P., Higher Education,

Hyderabad.
3 The Convener, EAMCET-2004, Jawaharlal Nehru

Technological University, Hyderabad.
4 The Registrar, N.T.R. University of Health Sciences,

Vijayawada.

5 2 CCs to G.P. for Higher Education, High Court Buildings,

Hyderabad.

6 2 CD copies.